

REMARKS

Claims 23-54 are pending in the present Application. Claims 51-54 were considered in the present Office Action.

Previously Filed Preliminary Amendment

In the preliminary amendment filed March 25, 2005, Applicants submitted new claims 51-54, but inadvertently failed to list the previously presented claims 23-50. Subsequently, the Examiner did not consider claims 23-50 in the present Office Action.

In a telephone call on February 9, 2006, the Examiner requested that a response to the Office Action be provided which includes an explanation as to the missing claims that need to be considered. By way of this response, Applicants are providing such explanation, and respectfully request that the Examiner consider claims 23-50 in addition to claims 51-54.

Double Patenting

On page 2 and 3 of the Office Action, the Examiner provisionally rejected claims 51 - 54 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 23 - 50 of co-pending U.S. Patent Application No. 10/600,144.


In response, Applicants are concurrently submitting a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome the double patenting rejection. The present application and the conflicting application are commonly owned. As such, the provisional double patenting rejection of claims 51-54 (and potentially claims 23-50) is overcome.

If Examiner has any questions regarding the case, the Examiner is invited to contact Applicants' undersigned representative at the number given below.

Respectfully submitted,

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Dated: February 21, 2006

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